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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,872	11/30/2006	Tak Wai Cheung	102792-210/11362P3US	8311
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PARFOMAK, ANDREW N. NORRIS MCLAUGHLIN & MARCUS PA 875 THIRD AVE, 8TH FLOOR NEW YORK, NY 10022			EXAMINER DOUYON, LORNA M	
			ART UNIT	PAPER NUMBER
			1796	
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			12/16/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,872	<b>Applicant(s)</b> CHEUNG ET AL.	
	<b>Examiner</b> Lorna M. Douyon	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is responsive to the amendment filed on September 21, 2009.
2. Claims 1, 3-15 are pending. Claim 2 is cancelled. Claims 6-10 are withdrawn from consideration as being drawn to nonelected claims. Claims 11-15 are newly added. Please note that newly added independent claim 14 recites a "diester constituent", which is taken to read on the previously elected species (1) i.e., diester structure wherein Y is  $-(CH_2)_x-$ .
3. The rejection of claims 3-5 under 35 U.S.C. 112, second paragraph is withdrawn in view of Applicants' amendment.
4. The rejection of claims 1, 3-5 under 35 U.S.C. 102(b) as being anticipated by Sheridan et al. (GB 1,601,123) is withdrawn in view of Applicants' amendment.
5. The rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Sheridan as applied to the above claims, and further in view of Kook (US Patent No. 3,943,243) is withdrawn in view of Applicants' amendment.
6. The rejection of claims 1, 3-5 under 35 U.S.C. 102(b) as being anticipated by Yorozu et al. (US Patent No. 5,026,551) is withdrawn in view of Applicants' amendment.

***Claim Objections***

7. Claim 3 stands objected to because of the following informalities: in lines 2 and 5 (counting the formula as one line), the term “be” should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claims 14-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “the surfactant constituent consists only of one or more anionic surfactants” in line 2 is not supported in the original specification and is therefore considered as new matter. The added limitation in the claim lacks literal basis in the specification as originally filed, see *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983) *aff'd mem.* 738 F.2d 453 (Fed. Cir. 1984). While there is support for “the sole anionic surfactant present is an anionic linear alkyl benzene sulfonate or salt thereof” in the specification on page 5, lines 14-15, as recited in newly added claim 15, please note that there is no support for the surfactant constituent

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consisting solely of one or more anionic surfactants, as required in newly added claim 14.

***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1, 3-5, 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quebedeaux et al. (US Patent No. 6,035,869), hereinafter "Quebedeaux".

Quebedeaux teaches dishwashing cleaning blocks comprising surfactants, up to 15% by weight of one or more oils which are beneficial in facilitating homogeneous blending of the constituents, wherein one utilizable oil is ethyl succinate (which reads on the recited formula), and other additional adjuvants like bleaches (see col. 1, lines 41-48, col. 2, lines 45-56, col. 3, lines 4-15). The cleaning blocks are prepared by homogeneously mixing the desired ingredients in the proper amounts and shaping the resulting mixture into blocks, wherein the mixing and shaping can be effected by any of the conventional techniques already employed in the preparation of toilet-cleaning blocks, e.g., the techniques taught in U.S. Pat. No. 4,722,802 (Hutchings et al.) (see col. 3, lines 15-30) (which teaches extrusion). Quebedeaux, however, fails to specifically disclose a dishwashing block wherein the oil used is ethyl succinate, and wherein the diester has a branched moiety as required in newly added claim 13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared a dishwashing cleaning block wherein the oil is ethyl succinate because this is one selection of utilizable oil taught by Quebedeaux which is beneficial in facilitating homogeneous blending of the constituents.

With respect to the branched moiety in the diester compound, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the linear portion, i.e., the succinate portion, with isosuccinate, because the substitution of a linear with branched alkyl, which are functionally equivalent, is within the level of ordinary skill in the art.

12. Claims 1, 3-5, 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutchings et al. (US Patent No. 4,722,802), hereinafter "Hutchings".

Hutchings teaches a surfactant cleansing block suitable for placement in a toilet tank or other water-containing reservoir, comprising a hydrated cellulosic binder and a surfactant and process for making same, especially by extrusion of a homogeneous blend of said binder and said surfactant (see abstract). Surfactants include anionic, nonionic, amphoteric, and zwitterionic surfactants (see col. 6, lines 8-11). Anionic surfactants include, for example, alkyl aryl sulfonates, preferably sodium alkyl aryl sulfonate (see col. 4, lines 15-20). The addition of an organic oil is beneficial as a lubricant to assist homogeneous blending of the constituents, one example of which is ethyl succinate (see col. 6, lines 30-36). Other adjuvants include bacteriocides, builders, chelating and sequestering agents, buffers, enzymes, bleaches and activating agents

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for bleaches (see col. 6, lines 50-53). Hutchings, however, fails to specifically disclose a surfactant cleansing block wherein the oil used is ethyl succinate; the surfactant, which is only anionic surfactant as required in newly added claim 14; and wherein the diester has a branched moiety as required in newly added claim 13.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared an extruded surfactant cleansing block wherein the oil is ethyl succinate because this is one selection of utilizable oil taught by Hutchings which is beneficial as a lubricant to assist homogeneous blending of the constituents. With respect to the surfactant being solely anionic surfactant, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have prepared an extruded surfactant cleansing block wherein the surfactant is solely anionic surfactant, because the teachings of Hutchings in col. 6, lines 8-20, encompass this aspect.

With respect to the branched moiety in the diester compound, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have substituted the linear portion, i.e., the succinate portion, with isosuccinate, because the substitution of a linear with branched alkyl, which are functionally equivalent, is within the level of ordinary skill in the art.

### ***Response to Arguments***

13. Applicant's arguments filed September 21, 2009 have been fully considered but they are not persuasive.

With respect to the rejection based upon Quebedeaux, Applicants argue that Quebedeaux discloses monoethyl succinate which has a different formula as those recited in the present claims.

The Examiner respectfully disagrees with the above arguments because in col. 2, line 52-53, Quebedeaux discloses ethyl succinate, which is equivalent to diethyl succinate having a structure as that required in instant claim 3.

### ***Conclusion***

14. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796